

Appl. No. 09/752,490  
Response dated April 6, 2005  
Reply to Office action of October 6, 2004

### **REMARKS**

The Applicants acknowledge that claims 1-56 are pending in the present application.

Independent claims 1 and 29 have been amended to clarify the scope of the claimed invention.

Claims 2, 3, 5, 6, 8, 10, 11, 17, 18, 21, 25, 27, 30, 31, 33, 34, 36, 38, 39, 45, 49, and 53 have been amended as well. These amendments are either typographic or grammatical corrections, word clarifications, or to more precisely define the Applicants' invention. They are NOT made for reasons related to patentability.

All amendments find support throughout the application as originally filed and no new matter is added.

#### **35 U.S.C. § 102 (Novelty)**

Claims 1-56 are rejected under 35 U.S.C. 102(e) as being unpatentable over U.S. Pat. No. 6,513,019 ("Lewis"). The Applicants respectfully traverse the rejection and request reconsideration of this application, because claims 1-56 are patentable over Lewis for the reasons provided below.

The Office Action holds that Lewis anticipates claims 1-56 in this case, and asks the Applicants to show that claims 1-56 are novel compared to Lewis. The Applicants respectfully submit that these claims are novel because the present claims and the prior art differ.

Claims 1 and 29 are the two independent claims in the present application, and claims 2-28 and 30-56 depend from claim 1 or 29, either directly or indirectly.

Claim 1 is novel over Lewis, because Lewis does not teach each and every element as set

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forth in claim 1.<sup>1</sup> Claim 1 defines a method to manage security inquiries by means of a computer, which reads,

A method of organizing security inquiries and potential security purchases utilizing a computer with a display comprising:  
    entering by a user into the computer inquiry information describing securities desired for purchase;  
    entering into the computer potential purchase information describing available securities;  
    entering into the computer a plurality of algorithms for matching the inquiry information with the purchase information;  
    selecting by the user one of the algorithms;  
    matching by means of the user selected one algorithm the inquiry information with the purchase information; and  
    reporting to the user the results of the matching by means of the computer.

Lewis cannot anticipate claim 1 because it does not teach a method that includes each and every step of claim 1.

Lewis teaches data processing systems for financial management, which utilize computers to standardize, aggregate, derive, consolidate, integrate, structure, store and distribute financial data of a broad scope that is obtained from multi-disparate sources. Lewis, col. 1, lines 7-14. More specifically, the integrated computer system of Lewis “consolidates data, derives information from this data, structures the data and information in a database that enables near real time information access, and distributes the data and information to users and software applications.” Lewis, col. 8, lines 49-54. Put another way, Lewis teaches a computer-executable method to process incoming data messages of financial information such as financial transactions, market data updates, and

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<sup>1</sup> “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131, p. 2100-73 (8th Ed. Rev. 2, 2004) (quoting *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987)). Further, although it is “not an *ississimis verbis* test, i.e., identity of terminology is not required,” the elements “must

customer/counterparty data updates. *See* Lewis, claim 1 and col. 8, lines 55-58. However, this financial data processing method of Lewis is totally different from the security inquiry management method of claim 1.

First, one important feature of the present invention is that the user can select one algorithm from a plurality of algorithms entered into the computer for matching the inquiry information describing securities desired for purchase with the purchase information describing available securities, and then the user selected one algorithm will match the inquiry information with the purchase information.<sup>2</sup> Lewis does not teach these steps, because (1) the method or system of Lewis does not have the function of matching the inquiry information describing securities desired for purchase with the purchase information describing available securities as claimed by the present invention; and (2) even assuming that, arguendo, Lewis teaches to match an inquiry with inquired information for whatever purpose, the method or system of Lewis does not provide a plurality of matching algorithms for the user to select and then matching the inquiry with the inquired information by means of the user selected one algorithm.

The algorithms recited in claim 1 are algorithms for matching the inquiry information describing securities desired for purchase (i.e., a description of securities desired for purchase) with the purchase information describing available securities (i.e., a description of securities available for purchase). The Office Action cites Figs. 23 and 24 of Lewis for the step of “entering into the computer a plurality of algorithms for matching the inquiry information with

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be arranged as required by the claim.” *Id.* (citing *In re Bond*, 910 F.2d 831 (Fed. Cir. 1990)).

<sup>2</sup> For support and an example of these claim limitations, please refer to page 12, line 30 to page 13, line 18 of the specification as originally filed in view of Fig. 5.

the purchase information.” Fig. 23 is a screen display for the Portfolio Summary, a browser-based user interface, and Fig. 24 is a screen display for the Currency Exposure, a browser-based user interface.

Fig. 23 is an exemplary presentation of an application that can be invoked by the user interface (UI) of Lewis. Lewis, col. 20, lines 40-42. This application include:

Retrieve positions, balances, and transactions reflecting the consolidation of settled and pending positions, balances, and transactions from multiple accounts for the same customer, counterparty, trader, investment manager, legal entity, location, financial instrument, currency, and the like. See FIG. 25. Value the positions (in virtually any type of privately held or market-traded financial instrument, commodity, derivative, or banking product) and balances in both trade currency and multiple base equivalent currencies using a variety of pricing models, including market value, margin value, and liquidity (a.k.a. repo) value. Perform asset allocation, performance, liquidity, risk, compliance analysis on the consolidated positions, balances, and transactions. Drill-down from positions and balances to individual settled and pending transactions, historical journal entries, and anticipated journal entries.

*Id.*, col. 20, lines 24-40 (emphases added). The presentation shown in Fig. 23 is divided into three panels -- Account Lists, Display, and Tree. *Id.*, col. 20, lines 42-44. Fig. 24 is an exemplary presentation for another application that can be invoked by the UI of Lewis, which is to “[c]onsolidate cash balances, payables, and receivables in selected currencies and translate into a base currency equivalent.” *Id.*, col. 20, lines 45-47. None of the functions represented by Figs. 23 and 24 or any other functions that can be performed by the method or system of Lewis include the function to match “the inquiry information with the purchase information” as required by claim 1 of the present invention.

Even if we assume that, arguendo, Lewis somehow teaches to match an inquiry with inquired information for some purpose, the system of Lewis does not provide a plurality of

matching algorithms for the user to select for that purpose, and then matching the inquiry with the inquired information by means of the user selected one algorithm. The Office action cites “Rule 3” of Lewis as an example of teaching. Lewis provides,

Rule 3 instructs the Accounting Information Server to calculate and post the Base Currency Equivalent Book Value, based on the book value that was posted in rule 2. The Base Currency Equivalent Book Value amount is calculated using currency exchange rates taken from the database (the Market Data Information Server keeps the database updated with current currency exchange rates). The inventive system includes a collection of select financial algorithms for performing numerous such financial calculations (e.g., gain loss, amortization, accretion, accrued interest, and the like) in multiple currencies. Additionally, the open architecture permits introduction of proprietary and third-party algorithms as needed over time.

Lewis, col. 15, lines 42-54. The algorithms referred to in this paragraph are to perform financial calculations in multiple currencies. Nowhere does Lewis suggest or teach, either expressly or inherently, a plurality of matching algorithms of any kind, from which the user can select one to perform a specific kind of matching, let alone a plurality of algorithms that can match the inquiry information of securities desired for purchase with the purchase information of securities available for purchase.

Furthermore, Lewis does not even teach the step of “entering by a user into the computer inquiry information describing securities desired for purchase.” A person of ordinary skill in the art would understand that the term “inquiry” in this application means a description of securities sought for purchase. The specification of the present application explains in one embodiment how security inquiries can be defined and entered. *See Specification, p.4, line 25 to p.5, line 7; p.7, line 10 to p.9, line 19.* Unlike equities where one might request an amount of a specific security, buyers of fixed income securities, especially municipal securities, normally describe

what they are seeking to purchase through specification of a set of descriptive parameters. The “inquiry information about securities desired for purchase” of claim 1 is not a set of requests for information about securities desired for purchase, but is a description of securities sought for purchase, which more closely resembles a “types of securities sought for purchase” list. Lewis does not teach such a step.

The Office Action cites Figs. 21 and 22 of Lewis for this step. “Fig. 21 is a screen display for market data entry, a browser-based user interface”; and “Fig. 22 is a screen display for categorizing and entering instructions for customer accounts, another browser-based user interface.” Lewis, col. 8, lines 24-28. When discussing Figs. 21 and 22, Lewis provides,

Finally, the Market Data Information Server has a complementary desktop application, 140 FIG. 4 and FIG. 21, that allows users to enter messages for updating the market data, including entering data describing new financial instruments and updating data describing financial instruments that have been previously entered, establishing groups of financial instruments (such as the instruments that comprise an index), and the like (see FIG. 21). A full set of inquiries is also included at 140. This desktop application conforms to the thin client/Web Server architecture that is further described below. The system further comprises a Customer/Counterparty Information Server, 112 FIG. 4. The Customer/Counterparty Information Server essentially operates the same way that the Market Data Information Server operates, only on messages that contain updates to customer and counterparty data. Such data includes name, address, and instructions (e.g., investment, trading, cash sweep, and settlement instructions) for processing the transactions of the customer or counterparty, and for how to provide the customer or counterparty information (e.g., reporting instructions, on-line authorization/subscription). The Customer/Counterparty Information Server also provides facilities for defining what data and information customers, counterparties, and employees are authorized to retrieve from, and enter into the system.

... Finally, the Customer/Counterparty Information Server has a complementary desktop application, 140 FIG. 4 and FIG. 22, that allows users to enter messages for processing by the Customer/Counterparty Information Server, including establishing new accounts, linking customers to accounts, establishing account

groups, assigning responsibilities for customers and counterparties to employees, organizational units, geographic locations, and the like. A full set of inquiries is also included. This desktop application conforms to the thin client/Web Server architecture that is further described below.

Lewis, col. 19, lines 12-56 (emphases added). Lewis teaches that market data and customer/counterparty information can be entered or updated by the desktop applications shown in Figs 21 and 22. However, it does not teach for a user to enter “inquiry information describing securities desired for purchase,” i.e., a description of securities that the user seeks to purchase. The quoted paragraphs say twice, “A full set of inquiries is also included.” As used here in Lewis, the term “inquiry” means a data inquiry requesting information from the consolidated database of Lewis, *see* Lewis, col. 8, line 65 to col. 9, line 2; col.22, line 64 to col. 23, line 3, which is totally different from the meaning of “inquiry” as used in claim 1 of the present application. Therefore, Lewis does not teach the step of “entering into the computer inquiry information describing securities desired for purchase” as recited in claim 1 of the present application.

Therefore, the data processing method taught in Lewis is completely different from the security management method of claim 1 of the present invention. And therefore, claim 1 is novel and patentable over Lewis at least for the reasons stated above.<sup>3</sup>

Claim 29 is a product claim directed to an apparatus for organizing security inquiries and potential security purchases. The Office Action simply states, “Claim 29 is similarly rejected as in

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<sup>3</sup> The Applicants only addressed some limitations of claim 1 in this Response, and the Applicants believe this has been sufficient to show that claim 1 is patentable. The Applicants respectfully submit, however, this limited discussion shall not be construed to mean that the Applicants have admitted that Lewis teaches those steps that have not been addressed in this Response.

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- claim 1.” Therefore, the Applicants respectfully submit that claim 29 is patentable over Lewis at least for the same reasons as stated above for claim 1.

Claims 2-28 depend from claim 1 and claims 30-56 depend from claim 29, either directly or indirectly. Therefore, claims 2-28 and 30-56 are also patentable over Lewis at least for the same reasons as stated above for claim 1.

#### **35 U.S.C. § 132 (Amendments Supported)**

The amendments to claims 1 and 29 are supported, for example, by page 3, lines 19-20, and page 12, line 30 to page 13, line 18 of the specification as originally filed; and Fig. 5

The amendments to claims 2, 3, 5, 6, 10, 11, 17, 18, 25, 27, 30, 31, 33, 34, 38, 39, 45 49, and 53 are merely corrections of typographic or grammatical errors or word clarifications.

The amendments to claims 8 and 36 are similar, and are supported, for example, on page 4, line 25 to page 5, line 7 and on page 12, lines 9-13 of the specification as originally filed. The Amendment to claim 21 reciting “or using parameters of an selected inquiry in said inquiry information” is supported, for example, on page 2, lines 7-10 and on page 10, lines 9-11 of the specification as originally filed.

The amendments in this paper therefore do not go beyond the disclosure of the application as originally filed and are free of new matter.

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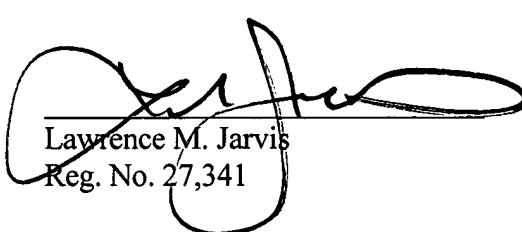
**Conclusion**

In view of the above remarks, the Applicants respectfully request reconsideration and allowance of all the pending claims (1-56). A Notice of Allowance is respectfully solicited.

A check is enclosed to cover the fee for the Petition for a 3-month extension of time, and the Commissioner is authorized to charge any additional fees or credit overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,  
**MCANDREWS, HELD & MALLOY, LTD.**

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